

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

PHILLIP SMITH,

Plaintiff,

v.

GC SERVICES, LP,

Defendant.

§ No. 4:14-cv-2021

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PLAINTIFF'S COMPLAINT

Plaintiff, PHILLIP SMITH (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, GC SERVICES, LP. (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Defendant conducts business in the District of Columbia, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2), "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred..."

PARTIES

5. Plaintiff is a natural person residing in Washington, District of Columbia.
6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
8. Defendant is a collection agency with a business office in Houston, Texas.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Defendant places collection calls to Plaintiff in an attempt to collect an alleged debt.
11. Plaintiff's alleged debt owed arises from transactions for personal, family, and household purposes.
12. On or around October 14, 2013, Defendant placed a collection call to Plaintiff's telephone number (202) 213-62XX and left a voicemail message.
13. In the voicemail message on or around October 14, 2013, Defendant's representative failed to state the name of the company placing the call, failed to state that the call was from a debt collector, and failed to state that the call was being placed to collect an alleged debt. *See* Transcribed Voicemail Message attached hereto as Exhibit "A."
14. In the voicemail message on or around October 14, 2013, Defendant's representative directed Plaintiff to return the call to (314) 851-4310, extension 3007, a number belonging to Defendant. *See* Exhibit A.
15. Defendant is using false, deceptive and misleading means in connection with attempting to

collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff,
- b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity.
- c. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.
- e. Defendant violated §1692e(11) of the FDCPA by failing to disclose in its communications with Plaintiff that the communication was from a debt collector.

WHEREFORE, Plaintiff, PHILLIP SMITH, respectfully requests judgment be entered against Defendant, GC SERVICES, LP., for the following:

17. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k, and
19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: July 15, 2014

By: /s/ Ryan S. Lee

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VERIFICATION OF COMPLAINT AND CERTIFICATION

DISTRICT OF COLUMBIA

Plaintiff, PHILLIP SMITH, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, PHILLIP SMITH, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

October 18, 2013
Date

Phillip Kevin Smith
PHILLIP SMITH

KYP/SL